

Court of Appeals, State of Michigan

ORDER

People of MI v Christopher Ishmael Amer

Docket No. 285352

LC No. 07-005856

Alton T. Davis
Presiding Judge

Patrick M. Meter

Stephen L. Borrello
Judges

In lieu of granting the delayed application for leave to appeal, this matter is REMANDED to the trial court to establish the factual basis for the plea or to allow defendant to withdraw his plea.

For a plea to be accepted, the trial court must establish the factual basis for a finding that the defendant is guilty of the offense to which he is pleading. MCR 6.302(D)(1); *People v Watkins*, 468 Mich 233 (2003). See also *People v Mitchell*, 431 Mich 744, 748 (1988). In this case, the questioning of defendant at the April 27, 2007 hearing did not establish that defendant had violated MCL 752.1052 by committing a subsequent offense or an offense involving seven or more audiovisual recordings, as required for the offense to be considered a felony under MCL 752.1054(2).

This Court does not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUN 27 2008

Date

Sandra Schultz Mengel
Chief Clerk